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September 1, 2005

VIA ELECTRONIC SUBMISSION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW – Lobby Level
Washington, D.C. 20554

Re: **Subscriber Notification Report** -- E911 Requirements for IP-Enabled Service Providers, WC Docket No. 05-196

Dear Ms. Dortch:

On behalf of SBC Communications Inc. (SBC), I am submitting the attached report regarding SBC's compliance with the Commission's 911 subscriber notification requirements for VoIP services. If you have any questions or need additional information, please do not hesitate to contact me.

Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically with the Commission.

Sincerely,

/s/ *Jack Zinman*

Attachment

cc: Byron McCoy
Kathy Berthot
Janice Myles

SBC Communications, Inc.
Subscriber Notification Report – September 1, 2005
WC Docket No. 05-196

In response to the information requested in the Enforcement Bureau's *Second VoIP 911 Public Notice*,¹ SBC Communications, Inc (SBC) submits the following report detailing its compliance with the Commission's VoIP 911 subscriber notification requirements.

1. A detailed explanation regarding current compliance with the notice and warning sticker requirements if the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005.

SBC currently provides a VoIP service, known as PremierSERV Hosted IP Communications Service (HIPCS), to business customers.² As of September 1, 2005, SBC had provided the following VoIP 911 Notice and tent cards to all of its active HIPCS subscribers:³

Thank you for choosing the SBC family of companies as your communications provider and for your confidence in SBC PremierSERVSM Hosted IP Communication Service (HIPCS). The purpose of this Notice is to describe circumstances under which 911 service may be unavailable with HIPCS or how it may be limited in comparison to 911 service available from traditional local access lines (see below). This Notice, and the requirement for an

¹ *Enforcement Bureau Provides Further Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning Enforcement of Subscriber Acknowledgement Requirement*, WC Docket No. 05-196, Public Notice, DA 05-2358 (released August 26, 2005) (*Second VoIP 911 Public Notice*).

² The entity actually providing HIPCS to subscribers is an SBC affiliate known as SBC Internet Services, Inc. For simplicity, however, we refer to HIPCS as being provided by SBC in this report.

³ In its initial Subscriber Notification Report, SBC informed the Commission that it had sent the VoIP 911 Notice and tent cards to all but one HIPCS subscriber before July 29, 2005. See SBC Subscriber Notification Report, WC Docket No. 05-196 (Aug. 10, 2005). SBC further reported that, upon learning of the inadvertently omitted subscriber, SBC sent the VoIP 911 Notice and tent cards to that subscriber and received an affirmative acknowledgement from that subscriber before August 10, 2005. In addition, SBC reported that, as of August 10, 2005, it had received affirmative acknowledgements from 94.1 percent of its HIPCS subscribers. In preparing the instant report, SBC recently discovered that, due to record-keeping errors, the VoIP 911 Notice and tent cards were inadvertently not sent to a total of seven active HIPCS customers before July 29, 2005. As a result, the percentage of subscribers for whom SBC reported receiving affirmative acknowledgements was incorrect in the initial Subscriber Notification Report. Upon making this discovery, SBC sent the VoIP 911 Notice and tent cards to all but one of these subscribers. All of these subscribers receiving the Notice and tent cards have subsequently submitted affirmative acknowledgements to SBC. The one subscriber not receiving the Notice and tent cards was scheduled for migration to a non-interconnected VoIP service, which occurred on August 31, 2005, and is no longer a HIPCS subscriber. Thus, with the exception of another subscriber discussed in section 2 of this report, SBC has received affirmative acknowledgements from all of its active HIPCS subscribers.

Acknowledgement, is required by the Federal Communications Commission (FCC).

FCC regulations require that each HIPCS station display a visible warning regarding 911 service. To that end, we have included with this Notice a supply of tent cards for each of your HIPCS stations. Please place a tent card near each HIPCS terminal currently installed. We will provide a tent card for any HIPCS station installed subsequent to this Notice. Please let us know if you need additional cards.

FCC regulations require an Acknowledgement that the HIPCS subscriber understands the 911 limitations of the service. Please acknowledge receipt of this Notice by signing the Acknowledgement at the end of this Notice, and returning the entire Notice to us in the enclosed envelope by July 29, 2005.

911 services are available for HIPCS users subject to the following limitations:

- HIPCS terminals (handsets and speakerphones) will not work during a broadband service outage, or where there is a loss of power. Consequently, a station user cannot dial 911 from an HIPCS terminal during such outages.
- 911 emergency response services may not be able to automatically identify the number or street address from which you are calling if the Registered Service Address for the telephone is not current. Under the terms of the contract, you are responsible for providing SBCIS with the Registered Service Address of each station, and to keep that information current.
- If you are calling 911 from a HIPCS terminal, and you are not at the Registered Service Address for that HIPCS terminal, emergency response service may not be able to identify your current location and may not be able to dispatch emergency response service.
- Do not use the Click-to-Call feature to place 911 calls.
- Do not use a Virtual Private Network (VPN) connection or other remote access service to place 911 calls.

Please sign the Acknowledgement at the end of this Notice, and return the entire Notice by July 29, 2005 to the following address (or use the pre-addressed envelope provided):

SBC
Mary Ann Gillespie
2000 W SBC Center Drive, Room # 3E01D
Hoffman Estates, IL 60196

We do appreciate your business and look forward to the continued opportunity of serving you. Thank you for being an SBC customer. If you need more information about this mailing or its content, please feel free to contact a member of your account team.

Mary Ann Gillespie
Associate Director-Product Management

ACKNOWLEDGEMENT

This is to acknowledge and confirm that I have received and understand the 911 Notice provided above, and that a warning card describing the 911 call limitations of the HIPCS Service has been placed on or near each HIPCS terminal to inform users of the 911 calling limitations of the HIPCS service.

Signature of Authorized Representative: _____

Title of Authorized Representative: _____

Date: _____

Company Name: _____

Company Street Address: _____

Please retain a copy for your records.

[Text of tent card]

911 EMERGENCY CALLING LIMITATIONS
FROM THIS INTERNET PROTOCOL (IP)-BASED TELEPHONE

- HIPCS terminals (handsets and speakerphones) will not work during a broadband service outage, or where there is a loss of power. Consequently, a station user cannot dial 911 from an HIPCS terminal during such outages.
- 911 emergency response services may not be able to automatically identify the number or street address from which you are calling if the Registered Service Address for the telephone is not current. Under the terms of the contract, you are responsible for providing SBCIS with the Registered Service Address of each station, and to keep that information current.

- If you are calling 911 from a HIPCS terminal, and you are not at the Registered Service Address for that HIPCS terminal, emergency response service may not be able to identify your current location and may not be able to dispatch emergency response service.
- Do not use the Click-to-Call feature to place 911 calls.
- Do not use a Virtual Private Network (VPN) connection or other remote access service to place 911 calls.

2. A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005.

As of September 1, 2005, SBC received affirmative acknowledgements from all but one of its active HIPCS subscribers, stating that they had received and understood the VoIP 911 Notice and tent cards. SBC has some indication that this one subscriber may choose not to return the Acknowledgement Form by September 28, 2005. The subscriber has acknowledged to SBC, however, that it has received the VoIP 911 Notice and tent cards.

3. A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.

SBC account representatives will continue to work with the HIPCS subscriber who has not returned the Acknowledgement Form described above. Contacts between SBC and this subscriber will occur over the next few weeks via telephone calls and e-mails. SBC has advised and will continue to advise the subscriber of the potential for disconnection of HIPCS service in the event that this subscriber declines to affirmatively acknowledge that it understands the VoIP 911 Notice. SBC is prepared to disconnect the subscriber's service on September 28, 2005, if an affirmative acknowledgement has not been received by that date.

4. A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005. The Bureau notes that in their August 10, 2005 reports some providers, such as Telephone, Inc. and Broadview Networks, Inc., state that they will use a "soft" disconnect procedure to disconnect those subscribers that ultimately do not acknowledge having received and understood the customer advisory. As the Bureau understands it, the soft disconnect procedure will either disallow all non-911 calls or intercept and send those calls to the provider's customer service department. Under this "soft" disconnect procedure, however, calls to 911 will continue to go to the appropriate Public Safety Answering Point (PSAP). A provider's September 1 and September 22 reports must include either a statement that the provider will use a "soft" or "warm" disconnect (or similar) solution as of September 28, 2005, or a detailed explanation of why

it is not feasible for the provider to use a “soft” or “warm” disconnect solution, as described above.

At this time, SBC does not intend to offer a “warm” disconnect VoIP service in the event that an active HIPCS subscriber does not provide an affirmative acknowledgement by September 28, 2005. In order to provide a warm disconnect service, a service provider must design the technical specifications of such a service, develop and/or procure the network systems necessary to operationalize and support the service, test the efficacy of the service, and implement the service on its network. As discussed above, SBC expects only a single HIPCS subscriber, with a very limited number of HIPCS stations, may not submit an affirmative acknowledgement regarding its 911 service by September 28, 2005. Under these circumstances, it is not economically or operationally feasible at this time for SBC to devote the resources needed to develop and deploy a warm disconnect service for this single customer. Instead, consistent with the Enforcement Bureau’s guidance, SBC is prepared to disconnect HIPCS service to this subscriber on September 28, 2005, if an affirmative acknowledgement has not been received by that date.⁴

⁴ *Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Service Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, WC Docket No. 05-196, Public Notice, DA 05-2085, at 2 (released July 26, 2005) (“Further, we expect that if an interconnected VoIP provider has not received subscriber acknowledgements from 100% of its existing subscribers by August 29, 2005, then the interconnected VoIP provider will disconnect, no later than August 30, 2005, all subscribers from whom it has not received such acknowledgements.”).